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OSU sues for CIA documents

By LEONARD BERNSTEIN

A suit requesting the release of all documents relating to Central Intelligence Agency (CIA) covert recruitment and other activity at Ohio State University has been filed against the CIA by the school's student newspaper, the Lantern.

The suit, filed Oct. 13th by the American Civil Liberties Union (ACLU) of Central Ohio on behalf of the Lantern, seeks documents the CIA refuses to release or even confirm exist.

THE SUIT requests "all files in the Central Intelligence Agency indexed or mentioned under the name Ohio State University" including "past or present, contracted or uncontracted, paid or unpaid, formal or informal, witting or unwitting" relationships, according to Mark Levy, coordinator of the Central Ohio ACLU.

According to the Lantern John Oller, a reporter, initially requested the material under the guidelines set up in the Freedom of Information Act (FOIA). The guidelines were set up in 1977 after the Senate Committee on Intelligence learned that more than 100 American colleges and universities were linked to the CIA.

But Oller heard nothing from the CIA despite a letter he received from the agency in mid-April, 1977 saying it would respond to his request "as soon as feasible," the Lantern reported.

IN MARCH 1978, Michael Kapsa, another Lantern reporter, and Lantern faculty advisor Thomas Wilson again asked for the documents under FOIA guidelines. The pair ultimately received what Oller described as "heavily edited" and "rather innocuous" material, according to the Lantern report.

Along with the files, Kapsa and Wilson were sent a letter stating that the CIA "will not grant access to any additional records that may exist which might be responsive to your request."

"By this answer, we are neither denying nor confirming that any such additional records exist," the letter continued.

THAT DECISION was appealed to

the CIA's Information Review Committee who responded that "arrangements will be made for consideration of (the) appeal" and that the Lantern reporters would be notified when the agency reached a decision.

According to Wilson, the CIA was required by law to respond within twenty working days of the appeal, but "we never heard again from them."

The Lantern then decided to file suit.

According to Jack Novik, an attorney for the ACLU national office in New York, the suit is the fourth to contest the CIA's responses to FOIA requests. The other suits originate from the University of California system, Columbia University, and Rutgers University.

NOVIK SAID there are two basic issues which the CIA and the plaintiffs are disputing. The most important of these is "whether or not the government is required to confirm or deny whether or not documents exist," he said. The University of California suit will soon bring this question before the

Circuit Court of Appeals for the District of Columbia, Novik added.

The other issue is the agency's right to delete information, usually names, from files it does release. According to Levy, the CIA edits the material because releasing the names would be a "violation of the privacy of any people that they (the CIA) have contact with."

But, he said, the Lantern suit contends that the "real person whose privacy right is violated are people whose names might be forwarded to the CIA without their knowledge."